Wiztronics, Inc.

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April 11, 2002

The Honorable Michael K. Powell
Chairman, Federal Communications Commission
445 12th Street, SW, Room 8-B201
Washington, DC 20554

Comments Regarding: Improving Public Safety Communications in the 800 MHz Band and Consolidating the 900 MHz Industrial/ Land Transportation and Business Pool Channels. WT Docket No. 02-55

Dear Mr. Chairman:

Our company has read the recent Notice of Proposed Rule Making and would like to raise several comments and concerns. Also, we wish to provide some plausible solutions directed at resolving the interference problem. We are an 800 MHz SMR service provider in Washington State. We provide wireless communications for Public Safety, School Districts, Timber Industries, Taxi Companies, Farmers, Construction Companies, Concrete Production Companies, Indian Tribes, Marine Industries, Airline Companies, and many other service-delivery based companies that rely on low-cost, conference style communications. We have been operating in the 800 MHz band since 1984. We were among the first companies to experience and document the harmful CMRS interference. (Nextel in our area) During the intervening years, we have spent time and money attempting to resolve Nextel Base Station interference in our coverage area.

Our company operates channels in Border Region 5. This is not only one of the most congested RF areas in the United States; it borders one of the most congested RF areas in Canada. The US primary 800 MHz channels are 1-150 and 451-600. The remaining channels in the middle, 151-450, are Canadian primary channels. The upper, 451-600, US primary allocations are presently interleaved with, Business, and SMR licensees. The lower, 1-150, US primary allocations are interleaved between Public Safety and Land Transportation. An accurate depiction of the 800 MHz band in Border Region 5 can be found at the end of this document. (Exhibit A, Figure 1) All of the interleaved channel allocations contain incumbents. There is no contiguous spectrum greater than 18 channels in Border Region 5.

In order for Public Safety and Nextel to end up adequately separated in Border Region 5, 851-854.75 would have to be Public Safety's allocation and 862.25-866 would have to be allocated Digital SMR Service. Public Safety and Nextel would get 7.5 MHz of spectrum each. The US primary NPSPAC channels are 715-830 (867.5-869). This is not adjacent to Nextel's

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current holdings. The NPSPAC allocation is the only spectrum incumbents could effectively be re-tuned within the 800 MHz band. I submit a band plan (see Exhibit A, figure 2) for Border Region 5 illustrating, that due to the bilateral treaties with Canada, there is no good way to rearrange the band to solve the interference problem.

Problems:

Our company has two main problems associated with the proposal as it is currently drafted. Where is equivalent spectrum available for our company? Who will reimburse our relocation costs?

There are more than a dozen 800 MHz incumbents in our area. We are one of the two largest 800 MHz channel holders left in Border Region 5. Boeing is the largest incumbent in our region. They operate on primarily the 150 lower channel assignments. (1-150) We are the second largest incumbent in Border Region 5. We operate our systems in the upper 150 channels. (451-600) Only part of the upper 200 channels were auctioned in Border Region 5. A total of 90 out of the 150 US primary channels were actually auctioned. This amounts to 50% of our channels auctioned off and 50% of our channels unaffected. Ongoing good faith negotiations continue between Nextel, the auction winner, and ourselves. Unfortunately, there is just not enough spectrum available in our area to facilitate an equal spectrum exchange. We are extremely interested in the 700 MHz band but it is encumbered by TV broadcasters, there is no equipment available, and Canada still allocates 700 MHz as broadcast spectrum. This band will not be usable in Border Region 5 for an indeterminable number of years.

The 900 MHz band does not cover very well in the forested-mountainous Northwest. Nextel owns 50 of the 200 (1-200) US primary 900 MHz SMR channels in Border Region 5. Just one of the main incumbents in Border Region 5 will require all or more of these channels to compare with the level of coverage and service afforded by the current 800 MHz systems. Sufficient spectrum to relocate the incumbents from both upper and lower 800 MHz channel assignments does not currently exist. The 800 MHz band is the best band in Border Region 5 available for SMR, Business, Industrial and Land Transportation communications.

Our initial cost estimate for relocation indicates that such a transition would cost our business $2,489,842.78 dollars in equipment replacement costs alone. The total relocation cost would exceed this value by some multiple. We are unable to bear the cost this relocation would impose.

Nextel makes assertions, in their proposal, that the 700 MHz and 900 MHz relocation spectrum is better. According to Nextel this legitimizes our company bearing the relocation

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cost. We disagree. If the replacement spectrum were superior, Nextel would be using it. Nextel no longer contests being the creator of the interference. Traditionally Commission requirements dictated that the party creating the interference is responsible for resolving the interference. This has been a very wise and equitable solution for protecting tenured spectrum holders from interference. Expenses generated by interference solutions need to be paid by the company generating interference, not by licensees who formerly and presently operate equipment that does not cause harmful interference. Whether they purchase equipment to resolve the interference or relocate adjacent licensees, the financial burden must be placed upon the company creating the interference.

The Nextel proposal uses interference as a coercive bargaining tool for obtaining better spectrum and avoiding costly problem-solving equipment upgrades. As a result the Commission is placed in a position of duress. Implementing the Nextel Proposal will allow them to expunge ethical, financial, and technical responsibilities to which other wireless companies are forced to adhere. Adherence should be imposed on all licensees regardless of political influence.

Solution:

Our solution would resolve the interference problem here and throughout the country. This would involve relocating Nextel from the entire 800 MHz band. Nextel is seeking 26 MHz of total spectrum in their proposal. We suggest allocating 26 MHz around the PCS band to become Nextel's "new home". This would give them contiguous spectrum and remove the interference. The clarified 800 MHz band could be split between Public Safety and SMR, Business, Industrial, and Land Transportation.

The most logical immediate solution for solving interference created by Nextel sites is to mandate a technical solution. The **interference to Public Safety may not go away simply by separating the allocations within the 800 MHz band.** Cavities should be mandatory on Nextel sites. If this doesn't work power levels should be lowered. Nextel is licensing CDMA technology. Transitioning to this technology may solve interference by using a different modulation scheme. One draw back to CDMA is that it will not work on interleaved channels.

The proposal emphasizes three main goals: allocation of contiguous spectrum, relocation of incumbents, and resolution of the interference problems. Our solution achieves these directives while protecting incumbent interests. Our main objective is to allow Public Safety and PLMR users to recover the superior level of service experienced prior to the introduction of CMRS.

SUMMARY:

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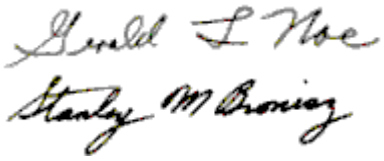
The current reallocation proposals will not work in Border Region 5. The 800 MHz band border partitioning renders the plans currently before the commission inadequate. Secondly, there is no way to successfully relocate incumbents due to a lack of spectrum. Technical solutions for CMRS base stations are the best way to solve the interference expeditiously. We appreciate the Commission's fair treatment toward incumbents in the past. Please continue to provide spectral and financial incumbent protection.

Sincerely,



Gerald L. Noe
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cc: Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Acting Secretary, William F. Caton
Chief, WTB, Thomas J. Sugrue
Deputy Chief, WTB, Kathleen O'Brien Ham
WTB, Michael J. Wilhelm

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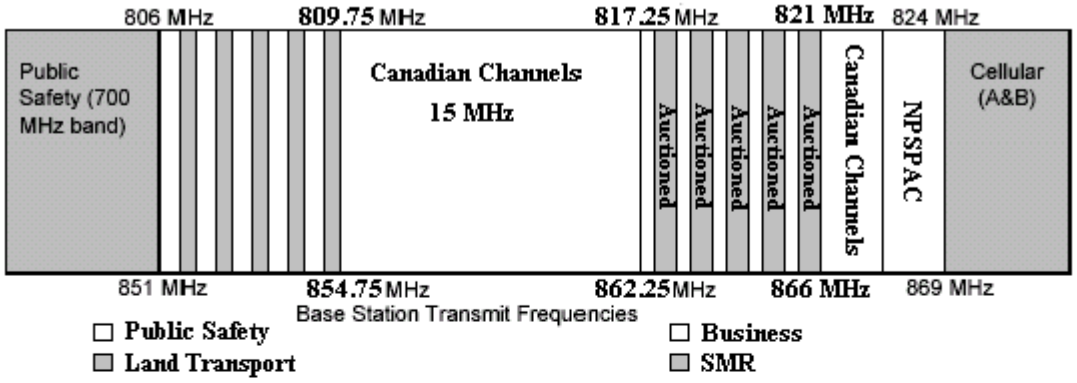
Exhibit A

Border Region 5 Currently

Figure 1

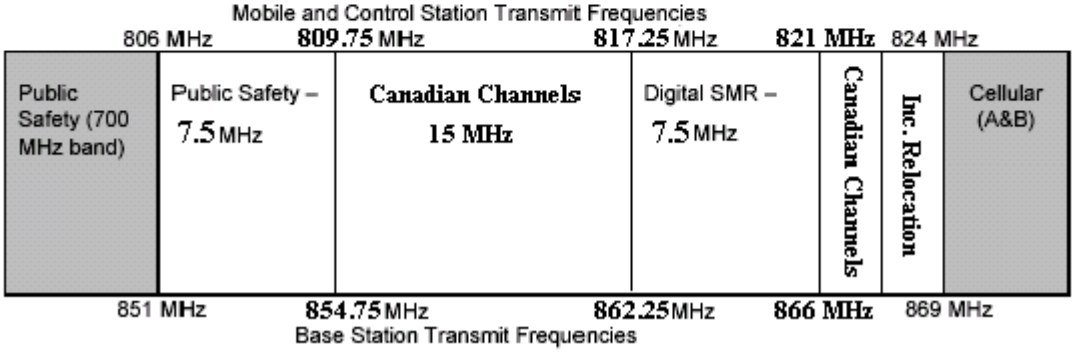
Mobile and Control Station Transmit Frequencies



Border Region 5 Scenario

Figure 2

Mobile and Control Station Transmit Frequencies



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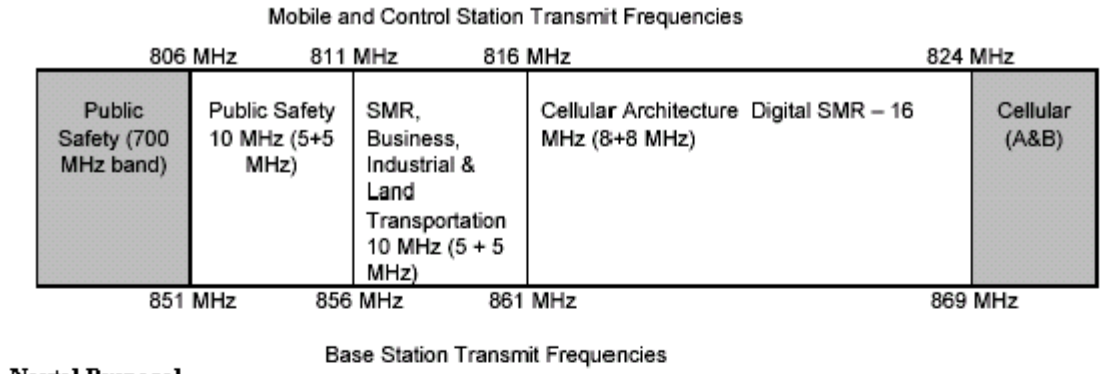
NAM Proposal



Nextel Proposal